

REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

Claim Rejections:

35 U.S.C. § 112:

The Examiner rejected claims 1-16 under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. Although Applicant traverses the Examiner's rejection (in that, for example, Applicant may disagree with the Examiner's apparent definition of the terms), for clarity's sake and to move the application to allowance, Applicant has amended the claims such that it cannot be fairly asserted that the claims, as now amended, are not fully supported by the specification as filed. It is believed therefore that the rejection of the Examiner is overcome.

35 USC §102

The Examiner rejected claims 1-14 and 16 under 35 U.S.C. §102(e) as being anticipated by Weaver et al (US Patent No. 6,623,486), whose arguments include an assertion that "overlapping holes can be considered to be holes (56b/c) because the holes can be considered completely overlapping without any offset between them..." Applicant doesn't understand this argument. Is the Examiner saying that any hole can be considered two overlapping holes merely because one can imagine in a hypothetical sense, offset holes whose offset is zero are still offset? If the present arguments and amendments don't fully deal with the Examiner's rejection, clarification is requested. Further, the Examiner's argument regarding the 15 mm is not understood. If the Examiner wishes to assert this against any of

the pending claims, clarification is requested. In the Examiner's "First Interpretation", it appears that he is asserting that the slots 58 can be considered overlapping holes. Applicant traverses this rejection because Weaver refers to these holes 58 as "non-threaded plate holes", and not as overlapping holes. Further, clearly, holes 58 are not threaded. Therefore, even if the slot 58 were to be considered overlapping holes (and they are not), there are no threads in these holes. Applicant's claims are hereby amended to specifically require that each have multifaceted surfaces adapted to lock with threads of a corresponding bone screw. As described in the instant application, it is envisioned that such multifaceted surfaces can be a thread or a series of annular grooves, both of which may be positively engaged with threads of bone screw. Considering therefore that Weaver's slots 58 lack threads or anything capable of locking with threads of a corresponding bone screw, this rejection under §102 is overcome and claims 1-14 and 16 are therefore in condition for allowance. Acknowledgement of this fact is respectfully requested.

35 USC §103

The Examiner rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Weaver et al in view of Cesarone (US5851207). In light of the arguments related to Weaver and its irrelevance to the present claims, Cesarone adding nothing more but a reference to a drill guide, it is believed that claim 15 is in condition for allowance. Acknowledgment of this fact is respectfully requested.

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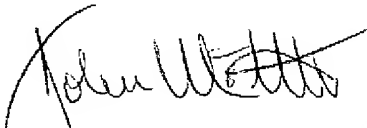
Conclusion

Applicant has made a diligent effort to advance the prosecution of this application by amending claims, and by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore, Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the

undersigned at phone 011-4171-230-1000, fax at 011-4171-230-1001 (Switzerland is 6 hours ahead of Eastern Std Time), or e-mail at **moeteli@patentinfo.net**.

The Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of MOETTELI & ASSOCIES SARL, no. 50-2621.

Respectfully submitted,


John MOETTELI
U.S. Reg. No. 35,289

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